

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal No. 2:08cr7
(Maxwell)**

ANCIL E. PARKS,

Defendant.

ORDER

It will be recalled that on June 25, 2008, Ancil E. Parks, the Defendant in the above-styled criminal action, appeared before United States Magistrate Judge John S. Kaull and entered a plea of guilty to Count One of the one-count Indictment in the above-styled criminal action. It will further be recalled that, by Order/Opinion Regarding Plea of Guilty, entered June 27, 2008, Magistrate Judge Kaull accepted the Defendant's plea of guilty to the charge contained in Count One of the Indictment herein and recommended that the Defendant be adjudged guilty on said charge and that he be sentenced accordingly.

After a careful examination of the Order/Opinion Regarding Plea Of Guilty entered by United States Magistrate Judge John S. Kaull, the Court **ADJUDGES** the Defendant **GUILTY** of the crime charged in Count One of the Indictment in the above-styled criminal action and, Pursuant to Rule 11(c)(3)(A) of the Federal Rules of Criminal Procedure and Section 6B1.1(c) of the United States Sentencing Guidelines, **DEFERS** acceptance of the proposed plea agreement until the Court has received and reviewed the Presentence Report that will be prepared herein.

Pursuant to U.S.S.G. § 6A1 et seq., it is hereby **ORDERED** that:

1. The Probation Officer shall undertake a presentence investigation of the Defendant;
2. The Government and the Defendant are to provide their Versions of the Offense to the Probation Officer and to advise the Probation Officer with regard to any sentencing factors that might require special review on or before **August 25, 2008**;
3. The Presentence Report is to be disclosed to the Defendant; Defense counsel; and the United States on or before **November 10, 2008**; however, the Probation Officer is directed not to disclose the sentencing recommendations made pursuant to Fed. R. Crim. P. 32(b)(6)(A);
4. Counsel may file **WRITTEN OBJECTIONS** to the Presentence Report on or before **November 24, 2008**.
5. The Probation Officer shall submit to the Court the Presentence Report with Addendum on or before **December 15, 2008**.
6. Counsel may file a **SENTENCING MEMORANDUM** that evaluates sentencing factors the parties believe to be relevant under 18 U.S.C. § 3553(a) (including the sentencing range under the advisory Guidelines) and explains any proposed sentence, on or before **December 29, 2008**;

7. Counsel for any party desiring to respond to any sentencing memorandum that has been submitted to the Court shall do so on or before **January 5, 2009.**

8. Sentencing memorandums and any responses thereto shall be submitted directly to the Court in documents created using Word Perfect 9 which are attached to a transmittal e-mail addressed to the following email address: WVND_JudgeMaxwell@wvnd.uscourts.gov. Counsel are advised that no pleadings and/or correspondence should be submitted to the Court using the foregoing email address. Sentencing memoranda and any responses thereto shall **NOT** be filed with the Clerk of Court. The sentencing memoranda and any responses thereto will be filed together, **under seal**, at the conclusion of the sentencing hearing in the above-styled criminal action. Copies of the sentencing memoranda and any responses thereto shall be served not only upon counsel for the opposing party but also upon the United States Probation Officer assigned to the case.

9. Sentencing is set for **Thursday, January 15, 2008, at 10:00 a.m.**

The Clerk of the Court is directed to transmit copies of this Order to counsel of record and to United States Probation Office.

Enter: August 4th, 2008

/s/ Robert E. Maxwell
United States District Judge